



IFW 125 DAC#

070050.2535

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Modak *et al.* Examiner : Jagadishwar Rao Samala **RECEIVED**

Serial No. : 10/786,681 Confirmation No. : 3011 APR 03 2009

Filed : 02/25/2004 Group Art Unit : 1618 **OFFICE OF PETITIONS**

For : Gentle-Acting Skin-Disinfectants And Hydroalcoholic Gel Formulations

**PETITION UNDER 37 C.F.R. § 1.28(c) AND CHANGE OF ENTITY STATUS****Mail Stop Petition**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

04/02/2009 DALLEM 00000009 024377 10786681  
01 FC:1461 1070.00 DA

Sir:

Applicants hereby petition for the acceptance of a deficiency payment pursuant to 37 C.F.R. § 1.28(c) in the amount of \$1070.00.

Applicants have discovered that as of October 31, 2005 the above-identified patent application no longer qualified for small entity status and that they have erroneously paid, without deceptive intent, the following fees at the applicable small entity rates:

Type of Fee Erroneously Paid as small entity	Small Entity Fee Actually Paid	Date of Payment	Current Fee	Deficiency Amount Owed
Request for Continued Examination	\$405.00	03/23/2009	\$810.00	\$405.00
Request for Continued Examination	\$405.00	04/18/2008	\$810.00	\$405.00
Two Month Extension of Time	\$230.00	04/18/2008	\$490.00	\$260.00
<b>Total Deficiency Owed</b>				<b>\$1070.00</b>

Therefore, applicants request the amount of \$1070.00 be deducted from our Deposit Account No. 02-4377 for the deficiency payment as required by 37 C.F.R. § 1.28(c)(2).

Additionally, pursuant to C.F.R. § 1.27(g)(2), please change the status of the application from small entity to large entity.

Applicants believe no additional fee is due in connection with this petition. If any fee is due, or if any overpayment has been made, the Commissioner is authorized to charge any such fee or credit any overpayment, to our Deposit Account No. 02-4377.

Respectfully submitted,

BAKER BOTTS L.L.P.

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March 24, 2009

Date

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*Sandra Lee*

Sandra S. Lee

Patent Office Reg. No. 51,932

Lisa B. Kole  
Patent Office Reg. No. 35,225

Baker Botts L.L.P.  
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TRANSMITTAL  
FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number

10/786,681

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Filing Date

02/25/2004

APR 03 2009

First Named Inventor

Modak et al.

OFFICE OF PETITIONS

Art Unit

1618

Examiner Name

Jagadishwar Rao Samala

Attorney Docket Number

070050.2535

## ENCLOSURES (Check all that apply)

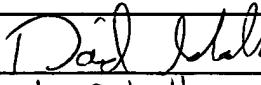
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input checked="" type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please Identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		
<b>Remarks</b>		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Baker Botts L.L.P.		
Signature			
Printed name	Sandra S. Lee		
Date	03/24/2009	Reg. No.	51,932

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	David Schalk	Date	3/24/09

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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APR 03 2009

# FEE TRANSMITTAL for FY 2007

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 1,070)

Complete if Known		OFFICE OF PETITIONS
Application Number	10/786,681	
Filing Date	02/25/2004	
First Named Inventor	Modak et al.	
Examiner Name	Jagadishwar Rao Samala	
Art Unit	1618	
Attorney Docket No.	070050.2535	

## METHOD OF PAYMENT (check all that apply)

Check  Credit card  Money Order  Other  None

Deposit Account:

Deposit Account Number  
Deposit Account Name

02-4377

Baker Botts L.L.P.

The Director is authorized to: (check all that apply)

- Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) or any underpayment of fee(s)  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### Extra Claim Fees

Total Claims	Extra Claims	Fee	Fee Paid
		52	\$0

Independent Claims		x	Fee	Fee Paid
		220	\$0	

Multiple Dependent			=	Fee	Fee Paid
			=	\$0	

SUBTOTAL      \$0

Fee Description	Large Entity	Small Entity
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Claims in excess of 20	52	26
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Independent claims in excess of 3	220	110
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Multiple dependent claim, if not paid	390	195
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## FEE CALCULATION (continued)

### ADDITIONAL FEES

- Surcharge - late oath or filing fee  
 Non-English Specification  
 Extension for reply within first month  
 Extension for reply within second month  
 Extension for reply within third month  
 Extension for reply within fourth month  
 Extension for reply within fifth month  
 Notice of Appeal  
 Filing a brief in support of an appeal  
 Petition to revive - unavoidable  
 Petition to revive - unintentional  
 Utility Issue Fee  
 Design Issue Fee  
 Publication Fee  
 Petitions to the Commissioner  
 Request for Continued Examination (RCE)  
 Information Disclosure Statement (IDS)

Other fee - Deficiency Payment

\$1,070

SUBTOTAL (\$ 1,070)

### SUBMITTED BY

(Complete if applicable)

Name (Print/Type)	Sandra S. Lee	Registration No. (Attorney/Agent)	51,932	Telephone	212-408-2500
Signature	<i>Sandra Lee</i>	Date	03/24/2009		

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.